

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

TOWN BOARD MEETING MINUTES

September 16, 2021 @ 6:30PM

*****RETURN to VIRTUAL*****

Google Meet: meet.google.com/eaw-ayzj-zku

Phone In: (US) +1 405-355-2518 PIN: 527 731 870#

PRESENT

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, John Wapner, Kevin Weldon and Town Clerk Beth Anne Rippel

Supervisor Collins called the meeting to order and led the pledge to the flag.

PUBLIC COMMENT

David Levow asked if there was a progress about the fence at Crellin Park. Supervisor Collins said yes that Mike West is looking for quotes. Levow also asked about the leash law. West said dogs need to be leashed only during summer camp hours .

CORRESPONDENCE:

1. Linda Laurange Re: Art Complex Application
2. Stacey Youmans Re: Steve Curlen (NYMIR) passed away
3. CABA Re: Use of municipal parking lot/Octoberfeast

SUB-COMMITTEE REPORTS

1. Report by Councilman Weldon and Councilman Pitkin: Park & Recreation Committee.
Weldon reported there was no August Meeting but one is scheduled for September 21, 2021.
2. Report by Supervisor Collins: Finance & Planning Committee. Reviewing ARPA and also the budget year to date
3. Report by Councilman Weldon: Climate Smart/Action Task Force Committee.
Weldon reported only 50 people signed up for Solarize Chatham. Weldon said they are collaborating with other towns on a "Repair Café" to be held in October. The jointly owned parking lot in the Village is being repaved and Weldon is concerned about the EVCS emblem that will need to be repainted. Pitkin reported that the repaving is scheduled for September 17th.
4. Report by Councilwoman Mesick: Communications Committee.

Mesick reported the new letter is in process and the committee is working on better distribution on tasks.

5. Report by Councilwoman Mesick: Comprehensive Plan Update Review Committee.

Mesick reported that they are up over the 400 mark. Allen reported that it's starting to slow and they are gearing up for the paper survey and is inviting candidates to help stuff the envelopes. Mesick sent the Board an estimate for the survey of \$1,250 to 1,500 and that includes postage. Return postage for the survey is not included.

6. Report by Councilman Pitkin: Broadband Committee

Pitkin reported Broadband is heating up and finally getting attention. Dinapoli held a press conference last Tuesday and addressed the broadband issue. Our representatives Delgado and Jordan both endorsed the comptrollers pledge to expand broadband coverage in rural areas. And in addition, on the county level, the Economic Development Corporation, at the direction of the County Board of Supervisors, is preparing the final report of underserved addresses in the county. The next step is to determine what the cost will be for the additional build-outs and estimates to secure both federal and state funding, which looks promising at this point. The preliminary report showed 219, un-served dwellings in Chatham. Fiorillo got maps for current Broadband areas and thinks providers are grossly over estimating service areas.

Pitkin, as liaison to the Village, reported that they will be opting out of Adult Use Cannabis/ Retail Dispensaries.

7. Report by Supervisor Collins: Town and County

Collins reported that Chief Technology Officer for the County will be leaving and they are in the interview process. Solid Waste will be moving from a bag system to a sticker system for trash disposal at the County transfer stations. A complete report is on file.

REPORTS:

1. Assessor-no report
2. Code Enforcement/Building Inspector-no report
3. Dog Control-no report
4. Environmental Management Council-no report
5. Finance Department –on file
6. Highway Department-on file
7. Justice Court-no report
8. Office of the Aging Advisory Board-no report
9. Recreation Director-on file
10. Supervisor's Report-on file
11. Town Clerk-on file

NEW BUSINESS:

1. Councilwoman Mesick Resignation Discussion

Mesick reported that she is considering resigning from the Town Board and moving to Virginia for health reasons. She is facing another surgery and a six month recovery period and feels she won't be able to properly do her job. Although she has not formally resigned she wants the Board to begin looking for someone to replace her. A **MOTION** was made by Collins, seconded by Mesick to begin the search for Mesick's replacement. Rappleyea added that there had to be a vacancy in order to make an appointment. MOTION carried.

2. 2022 Budget Calendar (Resolution)

3. Crellin Park Tennis Court Lights West reported

We've been raising money through CARP to be able to restore the lights with the ultimate goal of having some form of money operated timer system so that they could be financially sustainable. Dean Warner gave an assessment of where the lights were at. He found the existing wiring; installed circuit breakers in the panel box at the new pavilion to find out that all the lights are still currently functioning. Warner donated the breakers and his time so now everything is working.

A **MOTION** was made by Collins to allow the tennis courts to be illuminated until 9 pm under Rec. Director, West's guidance and surveillance. Weldon seconded.

Wapner wants to include something about CARP to make it clear who is paying for the electric.

Collins stated that usually the use come first and then the fundraising. West replied that the fundraising was going to be to restore the light pay for the timing system. Being that that's not an option and we have the funds in place we might as well use them. He's been working with Tammy to break down exactly what the cost is to run the lights so we have as accurate a number as possible.

Collins responded that the Board should approve the project then the fundraising can be done. The **MOTION** is amended to illuminate the tennis courts until 9PM with the costs of the lighting to be subsidized by CARP. **MOTION** carried.

4. Crellin Park Tennis Court Crack Repair

West reported that an 85 foot long crack has developed on the court over the past year and he is hoping to address this before winter. He is having a difficult time finding the required number of estimates to abide by the town's procurement policy of three written estimates. This "bird bath" as it's called is a depression that collects water at one end of the court and the total repair costs is 5,200. Rappleyea: In a procurement policy the law recognizes that you can't make people give you an estimate. As long as you document your efforts to try and find the three quotes you can put that in the file if there's ever an audit or some other examination of our records it's there to show that you did comply with our procurement policy. You can award it to the one person that gave you a bid, then that's all you can do. West will check one more option.

5. CABA Request for parking lot use. (Resolution)

OLD BUSINESS:

1. Timber Harvest Regulation

Mesick reported that DEC had the law for quite some time and made extensive comments on it which

Mesick feels are very helpful. Mesick had sent the comments to the Board for their review. A very lengthy discussion ensued on legalities, the duties of the CEO, clear cutting, enforcement modifying the zoning code, cordage, board feet, the number of acres involved, permits, DEC and their oversight, thresholds etc. Tim Mackerer reviewed the draft and wants to make sure there is no restriction on timber harvesting only for silver culture. Discussion continued. It is determined that the draft needs additional review and work.

2. Crellin/Morris Advisory Committee

Wapner: "The Advisory Committee was established by the board to look at the feasibility of the Morris Memorial either, buying or leasing long-term the necessary acreage at the park to build a community center. We had two issues from the beginning in terms of moving forward, one was the feasibility issue could they buy the land or lease it, is it legal? And the second was, could the Town provide a funding source, an ongoing stable source of income by giving them the REC program on a long-term basis. So, the committee met a total of four times to answer those questions and we answered them. And the answer was, basically that it is feasible for the town to either lease or sell the property through Park alienation process and it seemed that if the Town chose to do that we wouldn't really need to even replace the land in terms of parkland because we have a lot of other parkland. It was a purpose that was almost the same or very close to recreation. That there was the first part and it looked like it was possible. We then entered the second part, which was the source of money that they felt they needed on a stable basis was guaranteed. So long term they felt more comfortable taking on this obligation and we basically found that we couldn't as a town do that. The first idea was to have a referendum about a recreation fee which was basically found to be against New York state law. It would really be a form of taxation which you can't do by referendum. And just for general interest, we've discovered that referendums are very limited in terms of what you can actually do in the state and it's just simply yes or no and this is a no. So then we went on to the idea of somehow bonding a recreation fee. And unfortunately found the same response which is that you cannot bond a service. You can only bond a piece of equipment or building but you cannot bond a service. So we would be trying to bond a service which is well intentioned but basically you cannot do it and you can't do it because you're tying a board's hand beyond the board. You're saying to the town. We will make decisions for you about service that bind you with the town to a 20-year obligation and you can't do that it's not legal. So unfortunately our discussion really ended there because there's nothing to do about this at this at this time, unless there was a different set of feasibility issues, there's nothing really to discuss and I think it was a good exercise. I think it helped clarify some important issues about the Park and what's possible and not possible. I think it also helped clarify the Morris Memorials thinking about where do they go and what they are now? You know they were hoping they would be able to do this. This was their first choice with the alternatives that they were presented with and they're now going to have to go back and figure out what their mandates going to be, what their mission is going to be, and how they're going to use their building or another building to fulfill that mission. So that's kind of where we are in terms of the town and the community and that's where recreation is. So that was the report and it was too bad we couldn't go further but that's the reality."

PENDING DISCUSSIONS FOR WORKSHOP MEETING:

1. Crellin Park Master Plan

2. Solar Draft

Hallenbeck asked if when paper surveys go out will the online link still be able to be used? Mesick replied that it would.

RESOLUTIONS:

1. **Resolution #149-21:** To accept the Town Accountant's Financial Supervisor's Report.

Offered by Collins Seconded by Weldon

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

2. **Resolution #150-21:** To accept the Financial Abstract as presented to pay the Town bills.

Offered by Pitkin Seconded by Wapner

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

3. **Resolution #151-21:** To approve Town Board Meeting minutes for the following dates: August 5, 12 and 19 of 2021.

Offered by Weldon Seconded by Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

4. **Resolution #152-21:** To purchase desktop computer for Finance Department

WHEREAS, the Finance Department is in need of a desktop computer replacement, and

WHEREAS, a price quote for a HP Enterprise vPro Desktop G6, monitor, Microsoft Office Software, protection, cloudberry and backup storage was obtained through Columbia County MIS for the sum of \$984.95(NYS Aggregate Buy), and

NOW, THEREFORE, BE IT RESOLVED, that the 2021 budget shall be so amended as follows

and the Supervisor is authorized to execute the proposed price quote with Columbia County MIS, for said computer for the total sum of \$984.95.

Transfer From: Transfer To: AMOUNT

A1310.121 (Finance Personal Services) A1310.2 (Finance Equipment) \$984.95

Offered by Collins Seconded by Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

5. **Resolution #153-21:** To purchase a laptop computer for Town Clerk

WHEREAS, the Town Clerk has requested the need for a laptop computer, and

WHEREAS, a price quote for a Dell Latitude 5420 with mouse, Microsoft Office Software, protection, cloudberry and backup storage was obtained through Columbia County MIS for the sum of \$990.74 (NYS Aggregate Buy), and

NOW, THEREFORE, BE IT RESOLVED, that the 2021 budget shall be so amended as follows and the Supervisor is authorized to execute the proposed price quote with Columbia County MIS, for said computer for the total sum of \$990.74.

Transfer From: Transfer To: AMOUNT

A1410.121 (Town Clerk Personal Services) A1410.2 (Town Clerk Equipment) \$990.74

Offered by Collins Seconded by Pitkin

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

6. **Resolution #154-21:** To Approve the 2022 Budget Calendar and Meeting Schedule

WHEREAS, the Town Supervisor presented the 2022 Budget Calendar and Meeting Schedule to the Town Board, and NOW THEREFORE BE IT RESOLVED, the Town Board approves the Meeting schedule as presented.

Offered by Pitkin Seconded Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

7. **Resolution #155-21:** To Appoint Bonnie Schoonmaker to the Communications Committee

WHEREAS, the Town Board established a Communications Committee, and

WHEREAS, the Town Board wishes to appointment Bonnie Schoonmaker to the Communications Committee, and

THEREFORE, BE IT RESOLVED that the Town Board appoints Bonnie Schoonmaker to the Town of Chatham Communications Committee effective immediately.

Offered by Mesick Seconded by Wapner

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

8. **Resolution #156-21:** To authorize use of the jointly owned municipal parking lot.

TO AUTHORIZE USE OF THE JOINTLY OWNED MUNICIPAL PARKING LOT PROPERTY IN THE VILLAGE OF CHATHAM

WHEREAS, the Town of Chatham and the Village of Chatham own the municipal parking lot off Main Street in the Village of Chatham, and

WHEREAS, the Chatham Area Business Alliance has made a request to block off a portion of the municipal parking lot property on Saturday, October 2, 2021 from 11 AM to 10 PM for Octoberfeast, and

WHEREAS, no alcoholic beverages are being served or sold in the Municipal Lot, and

THEREFORE BE IT RESOLVED, the Chatham Town Board approves the blocking off of a portion of the municipal parking lot and authorizes the use of the municipal property on October 2, 2021 from 11 AM to 10 PM for Octoberfeast where no alcoholic beverages will be served upon receipt by Chatham Area Business Alliance of proof of insurance provided to the Town of Chatham Town Clerk prior to the event.

Offered by Weldon Seconded by Pitkin

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

CONDUCT ANY OTHER BUSINESS THAT COMES BEFORE THE TOWN BOARD

Mesick stated that “we've had two uses come before the town that were approved as recreational uses. She spent quite a bit of time studying the town code and looking up every instance of the word *recreation*, recreational facility, recreational building etc.. I also looked up the word *art* and basically came up with something that you all very well know and that is that our town code is desperately in need of being updated and is lacking in so many ways. It looks like the town has been trying to figure out a way to continue to move forward while having this anchor of a town code around its ankle and is doing its best. I would just like to say between now and when the zoning is updated I hope that we will all do our best to adhere at least to what the law is now and not stretch things to make them fit. Although by not doing that, it does inhibit growth and potential opportunities for the town. But I can see why people would be upset about it. I would just like to caution us to be careful moving forward like this.”

PUBLIC COMMENT-None

MOTION TO CLOSE MEETING

A motion was made by Collins and second by Weldon to adjourn at 8:40PM. Motion carried.

Respectfully submitted by ,

Beth Anne Rippel, RMC
Town Clerk